

REMARKS

During the course of the review of the claims currently pending in the subject U.S. patent application, in connection with the preparation of the subject Response, several minor typographical errors were noted. These are corrected by this Second Preliminary Amendment. Their correction does not raise any issues of new matter. Entry of these minor changes is respectfully requested.

As indicated above, applicant elects to prosecute the claims of Group 5 in this application. It is acknowledged by the Examiner that claim 72 links Groups 1-30 and that claim 107 links Groups 31-41. Upon an indication of the allowability of claim 72, it is expected that the Examiner will allow the entry of claims 73-106.

This election is made with traverse. The basis of the Examiner's holding of lack of a single general inventive concept under PCT Rule 13.1 is not correct. The Examiner relies on the holding, in the International Search Report, of a lack of the same or corresponding special technical features. The Examiner either fails to note, or chooses to ignore the fact that the claims pending in the subject application do not correspond to the claims acted on in the International Search Report.

In response to the International Search Report, the applicant's principal representatives in Germany filed an Article 19 amendment on June 13, 2005. In response to that Article 19 amendment, the International Preliminary Examination Report, or IPER, indicated that all of the claims then pending in the PCT application met the criteria for both novelty and inventive activity. There was no lack of unity issue raised in the PCT case.

The claims currently pending in the subject application are based on, and essentially correspond to the claims that were indicated as having both novelty and inventive activity in the PCT application. The citation of prior art against various ones of the claims, in the International Search Report, does not provide a suitable reason for an *a posteriori* lack of unity holding, under

PCT Rule 13.1 for claims that do not correspond to the claims which were the basis of a lack of inventive activity in the International Search Report.

It is believed that restriction of the claims in the subject application into Group 1 including claims 72-106 and Group II, including claims 107-123 is appropriate. It is not believed that the separation of the claims into 41 separate groups, based on a non-existent lack of unity argument is appropriate. The effort of the Examiner to reduce the number of claims that he must act on is readily apparent. The basis on which the Examiner relies, in his division of the claims into 41 separate groups, is not evident.

Reconsideration of this Restriction Requirement and the issuance of one that complies with PCT Rules 13.1 and 13.2 is respectfully requested.

Respectfully submitted,

Günther Oskar ECKERT
Applicant

JONES, TULLAR & COOPER, P.C.
Attorneys for Applicants

By: 

Douglas R. Hanscom
Reg. No. 26,600

June 27, 2008
JONES, TULLAR & COOPER, P.C.
P.O. Box 2266 Eads Station
Arlington, Virginia 22202
(703) 415-1500
Attorney Docket: W1.2227 PCT-US